

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 478 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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Keshavlal Dwarkadas Amin

Versus

State of Gujarat and others

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Appearance:

MR Bipin Mehta for the Petitioner  
MR C.C.Bhalja, AGP for Respondent Nos. 1 to 3  
Ms. Mita Panchal for G.H.Amin for respondent no. 4.

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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 11/03/99

ORAL JUDGEMENT

By means of this petition, the petitioner has prayed for a direction to the respondents to pay him pensionary benefits with arrears of pension alongwith interest at the rate of 18% per annum. However, during the hearing, the learned counsel for the petitioner submitted that the petitioner has pressed this petition only for interest at the rate of 18% per annum on the amount of arrears. The learned counsel submitted that

the petitioner retired on 1.10.91, but the petitioner was not paid his pensionary benefits and after filing of this petition, the respondents have given him pensionary benefits and have also paid arrears of pensionary benefits, but no interest on the amount of arrears of pension was paid to the petitioner. He submitted that the petitioner was required to deposit the amount of contributory provident fund with the government authority. The petitioner was required to deposit the amount of Rs. 12,258/- for the period from 8.10.86 to 30.9.91 and the State authority has also taken interest amount of Rs. 17,944/- on the said amount and the petitioner has also paid the same.

2. The contention of the learned counsel for the petitioner submitted that if the respondent required the petitioner to deposit interest amount on the amount of contributory fund, then the respondents are equally liable to pay interest to the petitioner on the amount of arrears of pensionary benefits. The contention of the learned counsel for the petitioner appears to be reasonable. Once the respondents have recovered the amount of interest on the contributory fund amount from the petitioner, the respondents are also liable to pay interest to the petitioner on the amount of arrears of pensionary benefits.

3. I have heard the learned AGP Mr. Bhalja for the respondent nos. 1 to 3 and also learned advocate Ms. Mita Panchal for the respondent no. 4. In the facts and circumstances of the case, this petition deserves to be allowed and the respondents are required to be directed to pay interest to the petitioner on the amount of arrears of pensionary benefits already paid to him.

4. Accordingly, this petition is allowed. The respondents are directed to pay to the petitioner, interest at the rate of 10% per annum on the amount of pensionary benefits already paid to the petitioner, from the date from which the petitioner become entitled to get till the date of its payment. The respondents are also further directed to pay the said amount of interest to the petitioner within a period of three months from the date of this judgment. Rule is made absolute accordingly with no order as to costs.

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